THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2914 OF 2006

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Dated: 27-02-2006

Between

K. Lakshmi Devi,

W/o. Kesava Reddy,

R/o. Gangireddipalli

Village, B. Mattam

Mandal, Kadapa District.

...PETITIONER

AND

The Revenue Divisional

Officer, Rajampet,

Kadapa District and

another.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents particularly the second respondent in orally directing her to vacate the land of Ac.5.12 cents in S.No.351/1 of Papireddipalli Village, B. Mattam Mandal, Kadapa District even without issuing any notice and without passing any order as illegal and arbitrary.

Learned counsel for the petitioner submits that the land in an extent of Ac.5.12 cents of land in S.No.351/1 was assigned in favour of the husband of the petitioner vide D-form patta under DKT No.148/92 dated 09.04.1983 and he has been cultivating the said lands as per the conditions of the said patta. While so, the respondents started interfering with the possession and enjoyment of the petitioner's husband, who filed WP.No.28998 of 1997 and obtained interim direction in WPMP.No.33791 of 1997 dated 04.11.1997 directing the respondents not to evict him from the said land of Ac.5.12 cents. He further submits that the petitioner's husband died on 19.09.2000 and thereafter, petitioner being the legal heir was in possession of the said lands.

Learned counsel for the respondents submits that the husband of the petitioner was in possession of the land in S.No.357 but not in S.No.351/1.

If really the petitioner is in possession of assigned land in S.No.351/1 it is open for the respondents to issue a notice giving reasonable opportunity to the petitioner but without giving any reasonable opportunity to the petitioner, she cannot be dispossessed.

The writ petition is disposed of directing the respondents not to dispossess the petitioner if she is in possession of land in an extent of Ac.5.12 cents in S.No.351/1 on the ground that she is in possession of the land in S.No.357, without giving any notice and without following due procedure prescribed in law.

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V. ESWARAIAH, J

February 27, 2006

Note: Furnish C.C. of the order by 01.03.2006

(**B/O**)

DSK